

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

JANUARY 20, 2010

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.***

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:01 p.m.

ROLL CALL

Councilmembers present:	Bragg, McCoy, Rose
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	King

Staff present: City Manager Brown; City Attorney Lough; City Clerk Hald

CLOSED SESSION

MOTION BY MCCOY, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 803 Palm Ave., Imperial Beach, CA 91932, APN: 626-250-06

Agency Negotiator: City Manager

Negotiating Parties: Inner Visions c/o Deborah Sides

Under Negotiation: Instruction to Negotiator will concern price and/or terms of payment

Property: 771 Palm Ave., Imperial Beach, CA 91932, APN: 626-250-05

Agency Negotiator: City Manager

Negotiating Parties: Wylde Sydes Boutique c/o James Sides

Under Negotiation: Instruction to Negotiator will concern price and/or terms of payment

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957:

Title: City Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION/APPOINTMENT

Pursuant to Government Code Section 54957:

Title: City Attorney

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:02 p.m. and he reconvened the meeting to Open Session at 6:02 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, had no reportable action and City Council would reconvene into Closed Session following the Regular meeting.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:02 p.m.

ROLL CALL

Councilmembers present:	Bragg, McCoy, Rose
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	King

Staff present: City Manager Brown; City Attorney Lough; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MOTION BY KING, SECOND BY BRAGG, TO POSTPONE ITEM NOS. 6.1, 6.2 AND 6.3 TO A FUTURE AGENDA. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER BRAGG reported she and the Mayor attended the Port of San Diego's annual swearing-in luncheon, the MTS meeting where they voted to discontinue several routes in the South Bay and approve time changes to Route 901; she also spoke of the need to cut routes due to budget constraints resulting from State takeaways; and she and the Mayor attended the League of California Cities luncheon meeting where they received information on a water bond that will be on the November ballot.

COUNCILMEMBER MCCOY spoke about the forces of nature and the recent tragedy in Haiti; she encouraged all to donate to a charity of their choice to help the people of Haiti.

MAYOR PRO TEM KING reported he and Sheriff's Captain Miller attended a breakfast meeting at the City of Chula Vista where they received information that the U.S. Embassy in Mexico will use grant funding to train law enforcement in Mexico on cross border issues, violence and drug problems.

MAYOR JANNEY attended the ground breaking ceremony at Mar Vista High School.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN announced sand bags and sand are available at the fire station.

PUBLIC SAFETY DIRECTOR SOTELO introduced Ashley Springfield, the City's new Animal Control Officer.

PUBLIC COMMENT

TIM O'NEAL, Co-founder of the Imperial Beach Skateboarding Association, thanked City Council for previous decisions regarding the Skate Park; and he expressed disappointment that the City did not accept the assistance he and others offered for the project.

DAVID ELLIS, newly elected President of I.B. Beautiful, spoke in support of relocating the Farmers Market to Pier Plaza.

TIBER LEPES, Manager of an apartment complex located near Pier Plaza, spoke in support of relocating the Farmers Market to Pier Plaza.

DEANNA ROSE, Manager of the Farmers Market, submitted copies of the site plan for Pier Plaza for the record; she requested Council's support for relocation to Pier Plaza and requested placement on a future agenda.

COUNCILMEMBER ROSE requested that the Farmers Market be placed on a future agenda.

ED KRAVITZ, Editor of Saveib.com, requested permission to place a splitter on the television in the Community Room so that he can upload City Council meetings to the internet; and he spoke in support of publicizing the City Council meeting agendas in the I.B. Eagle newspaper prior to City Council meetings.

JOHN CARR spoke about Saveib.com being denied access and spoke in support of broadcasting City Council meetings.

PRESENTATIONS (1.1)

1.1 PRESENTATION OF CERTIFICATES OF ACCOMPLISHMENT TO FIRE PREVENTION WEEK POSTER CONTEST WINNERS. (0410-30)

MAYOR JANNEY AND ENGINEER/PARAMEDIC WEAVER presented certificates of accomplishment to the following Fire Prevention Week poster contest winners:

Yram Padilla from Central Elementary
Janet Ramirez from Bayside Elementary
Kevyn Mogote from Oneonta Elementary
Eliza McCall from Westview Elementary
Jacob Wholton from Imperial Beach Elementary

CONSENT CALENDAR (2.1 - 2.10)

A revised Resolution No. 2010-6841 was submitted as Last Minute Agenda Information.

COUNCILMEMBER ROSE announced she had a potential conflict of interest on Item No. 2.7 as she is on the Board of Directors of YMCA Camping Services.

COUNCILMEMBER BRAGG registered a "No" vote for Item No. 2.8.

MOTION BY MCCOY, SECOND BY ROSE, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.6, 2.9 AND 2.10. MOTION CARRIED UNANIMOUSLY.

WITH REGARD TO ITEM NO. 2.7, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, MCCOY, KING, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	ROSE (DUE TO POTENTIAL CONFLICT OF INTEREST)

WITH REGARD TO ITEM NO. 2.8, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, ROSE, KING, JANNEY
NOES:	COUNCILMEMBERS:	BRAGG
ABSENT:	COUNCILMEMBERS:	NONE

2.1 MINUTES.

Approved the minutes of the Regular City Council Meeting of November 18, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 70053 through 70217 with the subtotal amount of 653,857.85 and Payroll Checks 42004 through 42178 with the subtotal amount of 512,965.52, for a total amount of \$1,166,823.37.

2.3 RESOLUTION NO. 2010-6841 – SALARY AND COMPENSATION PLAN CHANGE FOR VACATION SELL-BACK. (0520-75)

Adopted resolution.

2.4 2010 CITY COUNCIL WORKSHOP MEETINGS – TIME CHANGE. (0410-05)

City Council Workshop meetings scheduled for April 13, July 13, and October 12, 2010 start at 5:30 p.m. rather than 9:00 a.m.

2.5 RESOLUTION NO. 2010-6842 – SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010. (0460-20)

Adopted resolution.

2.6 RESOLUTION NO. R-10-205 – ACCEPTING THE STATE CONTROLLER'S ANNUAL REPORT ON FINANCIAL TRANSACTIONS; HOUSING AND COMMUNITY DEVELOPMENT ANNUAL REPORT OF HOUSING ACTIVITY OF FOR THE YEAR ENDED JUNE 30, 2009; AND THE REDEVELOPMENT AGENCY FINANCIAL STATEMENTS AS OF JUNE 30, 2009. (0300-88 & 0310-30)

Adopted resolution.

2.7 APPROVING THE AWARD OF GRANTS UNDER THE 2009-2010 FISCAL YEAR COMMUNITY GRANTS PROGRAM. (0330-15)

Approved the award of grants under the FY 2009-2010 Grants Program as recommended in the staff report.

2.8 RESOLUTION NO. R-10-206 – AFFIRMING A REDEVELOPMENT AGENCY COMMITMENT TO THE MINIMUM REQUIRED 10 PERCENT MATCH FOR BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANT APPLICATION FOR THE ECO-BIKEWAY 7TH AND SEACOAST CIP CONSTRUCTION PROJECT. (0680-20)

Adopted resolution.

2.9 RESOLUTION NO. 2010-6839 – AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND SAN DIEGO PROJECT HEARTBEAT/SAN DIEGO MEDICAL SERVICES ENTERPRISE FOR AED/PAD PROGRAM SERVICE LEVEL AGREEMENT. (0210-30)

Adopted resolution.

2.10 RESOLUTION NO. 2010-6837 – AUTHORIZING THE CITY MANAGER TO ACCEPT STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) FROM THE COUNTY OF SAN DIEGO OFFICE OF EMERGENCY SERVICES FOR FISCAL YEAR 2008-2009. (0390-86)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 ORDINANCE NO. 2010-1096 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING SECTION 8.30.030 (DEFINITION OF “PRIORITY DEVELOPMENT PROJECT CATEGORY”) AND CHAPTER 8.32 (STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP)) OF THE IMPERIAL BEACH MUNICIPAL CODE. (0770-85)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH gave a report on the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2010-1096.

CITY CLERK HALD read the title of Ordinance No. 2010-1096, "An Ordinance of the City Council of the City of Imperial Beach, California AMENDING SECTION 8.30.030 (DEFINITION OF “PRIORITY DEVELOPMENT PROJECT CATEGORY”) and CHAPTER 8.32 (STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP)) OF THE IMPERIAL BEACH MUNICIPAL CODE.

MOTION BY KING, SECOND BY MCCOY, TO WAIVE FURTHER READING AND DISPENSE INTRODUCTION BY TITLE ONLY, AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NO. 2010-6836 – APPROVING REGULAR COASTAL DEVELOPMENT PERMIT (CP 090023), DESIGN REVIEW (DRC 090024), SITE PLAN REVIEW (SPR 090025), AND MITIGATED NEGATIVE DECLARATION (EIA 090026/ SCH# 2009121003) FOR A 7,100 SQUARE FOOT SKATEBOARD PARK AT SPORTS PARK, 425 IMPERIAL BEACH BLVD. MF 1019. (0920-40)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER ROSE noted that the few impacts that there are, are rated less than significant.

TIM O'NEAL supported the item (did not speak).

MAYOR JANNEY closed the public hearing.

MOTION BY MCCOY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2010-6836 – APPROVING COASTAL DEVELOPMENT PERMIT (CP 090023), DESIGN REVIEW (DRC 090024), SITE PLAN REVIEW (SPR 090025), AND ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION (EIA 090026/ SCH#2009121003) FOR THE INSTALLATION OF A 7,100 SQUARE FOOT SKATEBOARD PARK ON A CITY-OWNED 7.98 ACRE PARCEL (APN 632-400-35-00) AT 425 IMPERIAL BEACH BLVD. (SPORTS PARK) IN THE PUBLIC FACILITY (PF) ZONE, WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1 - 6.6)

6.1 PROPOSED SCOPE OF WORK TO COMPLETE THE TASKS ASSOCIATED WITH THE SECOND CONTRACT AMENDMENT WITH EDWARDS/AECOM IN THE AMOUNT OF \$50,000 FOR THE COMMERCIAL ZONING REVIEW. (0610-95)

Item postponed by prior Council action.

6.2 PORT COMMISSIONER APPOINTMENT PROCESS. (0120-95 & 0150-70)

Item postponed by prior Council action.

6.3 COMMERCIAL ZONING REVIEW. (0610-95)

Item postponed by prior Council action.

6.4 RESOLUTION NO. 2010-6840 – REQUESTING ALLOCATION OF THE FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY (R) FUNDS TO AN ADA RAMP PROJECT. (0650-33)

CITY MANAGER BROWN introduced the item and reported that the ramps would be installed in the vicinity of Central Elementary School.

MOTION BY BRAGG, SECOND BY KING, TO ADOPT RESOLUTION NO. 2010-6840 – REQUESTING ALLOCATION OF THE FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY (R) FUNDS TO AN ADA RAMP PROJECT. MOTION CARRIED UNANIMOUSLY.

6.5 RESOLUTION NOS. R-10-203 AND R-10-204 – RESOLUTION OF NECESSITY OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY PERTAINING TO THE ACQUISITION OF CERTAIN PROPERTY OR INTEREST IN PROPERTY, LEASEHOLD INTEREST IN PROPERTY, IF ANY, AND LOSS OF GOODWILL PURSUANT TO SECTION 1263.510 OF THE CODE OF CIVIL PROCEDURE, IF ANY FOR USE BY THE AGENCY IN THE DEVELOPMENT OF 9TH & PALM REDEVELOPMENT PROJECT IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 1245.230 OF THE CODE OF CIVIL PROCEDURE OF THE STATE OF CALIFORNIA. (0480-10 & 0640-10)

Correspondence from Deborah Sides of Inner Visions and James Sides of Wylde Sydes Boutique was submitted as Last Minute Agenda Information.

MAYOR PRO TEM KING announced he had a potential conflict of interest due to a source of income and left Council Chambers at 6:52 p.m.

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY BOEHMER recommended the Agency move forward with a unanimous vote on the resolutions of necessity for the following reasons: Staff has been working diligently on the 9th and Palm redevelopment project, retained appraisers for fixtures, furniture and equipment; leasehold interests and goodwill were addressed with both businesses, an offer was extended pursuant to legal requirements and negotiations have stalled; he spoke with the their attorney Charlie Campbell and informed him that he was recommending moving forward with the resolutions of necessity and giving direction to initiate with imminent domain proceedings against both businesses and both property owners; he also noted the business owners have the burden of proof on the loss of goodwill and nothing tangible has been brought forward to substantiate any claim on the loss of goodwill.

MOTION BY JANNEY, SECOND BY ROSE, TO ADOPT RESOLUTION NO. R-10-203 – A RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF CERTAIN PROPERTY OR INTEREST IN PROPERTY, LEASEHOLD INTEREST IN PROPERTY, IF ANY, AND LOSS OF GOODWILL PURSUANT TO SECTION 1263.510 OF THE CODE OF CIVIL PROCEDURE, IF ANY, FOR USE BY THE AGENCY IN THE DEVELOPMENT OF 9TH & PALM REDEVELOPMENT PROJECT IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 1245.230 OF THE CODE OF CIVIL PROCEDURE OF THE STATE OF CALIFORNIA. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, MCCOY, ROSE, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	KING (DUE TO POTENTIAL CONFLICTS OF INTEREST)

MOTION BY JANNEY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. R-10-204 – A RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF CERTAIN PROPERTY OR INTEREST IN PROPERTY, LEASEHOLD INTEREST IN PROPERTY, IF ANY, AND LOSS OF GOODWILL PURSUANT TO SECTION 1263.510 OF THE CODE OF CIVIL PROCEDURE, IF ANY, FOR USE BY THE AGENCY IN THE DEVELOPMENT OF 9TH & PALM REDEVELOPMENT PROJECT IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 1245.230 OF THE CODE OF CIVIL PROCEDURE OF THE STATE OF CALIFORNIA. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	BRAGG, MCCOY, ROSE, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	KING (DUE TO POTENTIAL CONFLICTS OF INTEREST)

MAYOR PRO TEM KING returned to Council Chambers at 7:01 p.m.

6.6 RESOLUTION NO. 2010-6843 – AUTHORIZING AGREEMENT FOR CONSULTANT SERVICES TO SERVE AS PART-TIME ASSISTANT CITY MANAGER. (0500-05)

CITY MANAGER BROWN reported on the item.

MOTION BY ROSE, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2010-6843 – AUTHORIZING AGREEMENT FOR CONSULTANT SERVICES TO SERVE AS PART-TIME ASSISTANT CITY MANAGER. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned to Closed Session at 7:06 p.m.

MOTION BY KING, SECOND BY BRAGG TO ADJOURN TO CLOSED SESSION AS POSTED ON THE AGENDA. MOTION CARRIED UNANIMOUSLY

MAYOR JANNEY reconvened the meeting to Open Session at 7:33 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, and had no reportable action.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:34 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk